

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO: 4:24-cv-00051-M-RN**

CYNTHIA B. AVENS,

Plaintiff,

v.

FARIS C. DIXON, JR., et al.

Defendants.

**DR. KAREN KELLY'S
RESPONSE TO PLAINTIFF'S
NOTICE TO DISCUSS
RESOLUTION**

Pursuant to this Court's Order entered July 7, 2025 (DE 100), Defendant Karen Kelly, M.D., (Dr. Kelly) submits this Response to Plaintiff's "Notice to Discuss Resolution" (DE 99), and "Plaintiff's Notice of Clarification" (DE 101 & 102).

To the extent that Plaintiff's "Notice to Discuss Resolution" and "Notice of Clarification" are considered requests for a court-ordered settlement conference under Local Rule 72.3(h)(2) or for engaging in settlement discussions otherwise, Dr. Kelly respectfully objects because settlement talks at this stage of litigation are inappropriate and would be futile.

Dr. Kelly and the other Defendants filed motions to dismiss (DE 43, 47, 49), which are currently before the Court following Plaintiff's Objections (DE 89) to the Memorandum and Recommendation (M&R) filed on January 30, 2025 (DE 87). The M&R recommends granting the motions to dismiss. Dr.

Kelly filed a response to Plaintiff's Objections, requesting the Court to adopt the M&R (DE 91). The motions to dismiss are now ready for consideration and, if granted, would resolve this case entirely.

In her "Court-Ordered Supplement to DE 99 Notice to Discuss Resolution" (DE 101), Plaintiff questions the integrity of this Court, asserting, among other things, that it has "made a mockery of this case and of the judicial system," "ignored federal rules of civil procedure and well-established law," and "created a level of distrust so severe" that she no longer submits filings to the District Court in Wilmington. DE 101 pp 1-3. Due to Plaintiff's accusations against and distrust of this Court, as well as her animus toward the judicial process overall, it is doubtful that a judicial settlement conference or any form of private alternative dispute resolution will resolve this case, and a court-ordered settlement conference is not appropriate at this time.

Dr. Kelly respectfully requests that the Court deny Plaintiff's request, waive any settlement conference requirement, and adopt the M&R or otherwise grant Dr. Kelly's Motion to Dismiss.

This 15th day of July, 2025.

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/s/ Jeremy D. Lindsley
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document and that it was served upon all counsel of record via the Clerk of Court's ECF system and upon Plaintiff via the U.S. Mail, postage prepaid, at the address listed below.

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This 15th day of July, 2025.

/s/ Jeremy D. Lindsley
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